Writ Petition No.6202 (S/S) OF 2001-new number
Writ Petition No.39600 (S/S) OF 1996-old number

Dan Singh Negi ---------- Petitioners
And others

Versus

State ---------- Respondents
And others

Hon'ble M.M. Ghildiyal J.

The petitioners who were appointed as supervisors in Horticulture & Food Processing (hills) have filed the present petition for a direction to the respondents to consider the case of the petitioners for promotion in-group II posts. The submission of the learned counsel for the petitioners is that some of the supervisors who were juniors to the petitioners had already been promoted to group II posts whereas the petitioners who are senior have not been promoted. Learned Standing Counsel has filed counter affidavit.

Heard Sri B.D.Upadhyaya learned counsel for the petitioners and learned Standing Counsel.

The petitioners have submitted that the persons who have been promoted to group II posts have been granted promotion on the basis of seniority list, which was prepared in the year 1987. This seniority list was prepared by the department on the basis of date of joining whereas in view of Determination of Government Servants Seniority Rules, 1991 the inter se seniority will be determined according to merit list prepared at the time of selection. The petitioners who were placed above in the merit list than those persons who have been given promotion by the department though the petitioners had joined the department later on. Learned Standing Counsel has submitted that the petitioners did not object the seniority list prepared in the year 1987 on the basis of date of joining. The learned counsel for the petitioners has drawn my attention to the dated 12.6.1995 annexure no.3 to the writ petition which has been sent by the Director, respondent no.2 to the Joint Secretary, Horticulture and Food Processing wherein he has sought the directions from the higher authority to remove the anomaly. In this letter he has also mentioned that the posts are vacant and necessary directions may be given to him so that the persons who are senior according to the merit list

may be promoted. The petitioners have submitted that out of nine petitioners, petitioner no.9 has expired and petitioners no.1 to 4 have already been promoted during the pendency of the writ petition vide order-dated 11.4.2002. The posts of group II are vacant in the department.

Considering the above facts the Director, Horticulture & Food Processing, respondent no.2 is directed to consider the case of the promotion of the petitioners on the posts of group II within a period of three weeks from the date of production of certified copy of this order in view of the observations made above.

With these observation the writ petition is disposed of finally. No order as to costs.

(M.M. Ghildiyal.J.)

June 4, 2003
MPS